## **Exhibit F**



November 17, 2023

Warden FCI Miami 15801 S.W. 137TH AVENUE MIAMI, FL 33177 MIA-ExecAssistant@bop.gov

RE: ARMENTA, GILBERT, Register Number 79562-054

## Dear Warden:

My law firm has been retained to represent Mr. Gilbert Armenta, Register Number 79562-054. Mr. Armenta, 60, suffers from various illnesses described below including

We are authorized to act on his behalf.

Mr. Armenta, a U.S. citizen, is seeking Compassionate Release pursuant to Program Statement 5050.50, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582(c)(1)(A) and 4205(g). A first-time offender, Mr. Armenta pleaded guilty to laundering proceeds from a cryptocurrency scheme to defraud investors.

On March 16, 2023, Judge Edgardo Ramos sentenced Mr. Armenta to 60 months imprisonment followed by three years of supervised release. No fine or restitution was imposed.

When imposing sentence, the Court varied downward significantly due to Mr. Armenta's "extraordinary cooperation."

I give great credit to individuals who cooperate with the government. I think that especially in a case like this one, where they cooperate immediately, give over information immediately, cooperate affirmatively, immediately, by making calls and putting themselves out there, I think that merits a great deal of credit. Where they put their family in danger, as sometimes happens, I believe that merits a great deal of credit. Based on what the government has provided and what your counsel has provided, your cooperation was extraordinary, resulting in the recapture of tens of millions of dollars and the prosecution of others and





the investigation of others. Because of all of that, today might have had a very different result. But I do believe, as I indicated, that some level of punishment is necessary.

Sent. Trans. at 63:5-20.

Mr. Armenta was allowed to self-report to FCI Miami on May 31, 2023, where he remains incarcerated. As of November 30, 2023, he will have served 6 months imprisonment.

As reflected in the table below from the U.S. Sentencing Commission's 2022 Sourcebook of Federal Sentencing Statistics, a sentence of a six months is greater than the median sentences imposed for Administration of Justice offenses (4 months) and Extortion offenses (5 months).

Table 27
SENTENCE LENGTH IN EACH CRIMINAL HISTORY CATEGORY BY TYPE OF CRIME <sup>1</sup>
Fiscal Year 2022

		CRIMINAL HISTORY CATEGORY																			
	7	ГОТА	L	I II							Ш			IV			V			VI	
	Mean Median			Mean Median			Mean Median			Mean Median			Mean Median			Mean Median			Mean Median Mths Mths N		
TYPE OF CRIME	Mths	Mths	N	Mths	Mths	N	Mths	Mths	N	Mths	Mths	N	Mths	Mths	N	Mths		N_	-		N
TOTAL	52	27	63,763	40	14	26,377	38	14	8,817	49	24	10,866	60	37	6,580	74	51	4,250	98	77	6,873
Administration of Justice	12	8	647	9	4	415	13	10	53	13	8	71	16	18	31	20	18	35	32	30	42
Antitrust	5	0	8		0	7			0			1	~~		0			0	-		0
Arson	45	42	106	34	27	53	55	44	12	43	30	17	59	60	10	60	60	3	76	76	11
Assault	65	43	833	40	24	292	51	36	93	74	42	147	75	60	100	87	68	72	102	84	129
Bribery/Corruption	19	12	360	18	12	327	40	36	g	22	20	12	9	4	4			2	48	41	6
Burglary/Trespass	19	11	111	5	2	47	23	7	10	15	18	17	22	21	8	28	30	13	51	33	16
Child Pornography	110	96	1,435	96	78	1,016	134	120	126	136	120	190	162	144	51	191	166	28	158	145	24
Commercialized Vice	24	16	73	19	13	42	47	18	7	20	14	12	31	27	3			1	41	37	8
Drug Possession	3	0	260	0	0	159	2	0	28	2	0	26	7	0	13	1	0	8	15	2	26
Drug Trafficking	78	60	19,930	54	37	8,294	70	60	2,340	81	65	3,052	94	84	1,963	106	92	1,342	126	120	2,939
Environmental	4	0	145	4	0	121	4	0	15	4	2	7	-		1			1			0
Extortion/Racketeering	44	24	112	24	5	60	17	10	11	68	30	15	49	45	8	86	23	4	107	61	14
Firearms	49	37	9,240	22	14	1,370	31	27	818	38	32	1,856	48	42	1,781	58	48	1,305	76	63	2,110
Food and Drug	12	4	37	9	0	33	37	48	3			0			0			1	-		0
Forgery/Counter/Copyright	16	12	111	7	0	43	9	8	12	12	9	15	22	25	12	26	23	10	34	31	19
Fraud/Theft/Embezzlement	22	12	5,456	19	10	3,850	22	14	446	27	19	508	35	26	224	34	24	155	35	30	273
Immigration	12	8	17,615	7	4	6,390	10	8	4,138	14	12	3,968	21	18	1,792	29	27	829	35	30	498
Individual Rights	41	18	91	41	20	82	100	0	3			2			0	10	3	3		235	25
Kidnapping	182	160	127	144	120	42	139	120	17	180	186	17	178	168	13	198	210	13	271	180	25
Manslaughter	86	68	80	68	60	47	94	87	8	120	97	12	87	87	6			2	176		
Money Laundering	61	33	1,191	41	24	844	73	51	114	104	72	125	137	99	48	129	108	23	191 279	180 300	37 58
Murder	260	240	408	258	221	152	266	240	54	254	216	77	224	192	39	287	270	28		180	19
National Defense	37	17	174	20	12	133	29	34	12	47	40	9			1	-		0	155		
Obscenity/Other Sex Offenses	22	18	342	24	1.5	45	21	12	42	17	13	91	18	17	58	27	27	48	27 17	25 15	58 169
Prison Offenses	12	9	499	5	2	28	4	2	9	5	4	102	11	8	105	14	12	86	0.0		291
Robbery	106	96	1,443	81	65	369	96	84	171	104	90	280	114	108	197	119	102	135	133	120 240	
Sexual Abuse	207	180	1,499	198	180	1,006	201	180	151	212	180	139	211	204	73	268	262	79	284	51	51 29
Stalking/Harassing	27	18	265	21	16	133	27	20	41	25	17	29	25	24	19	31	21	14	51		7
Tax	14	9	496	13	7	424	19	12	38	15	15	20	25	29	4	13	18	3	26	12	8
Other	3	0	669	2	0	553	3	0	36	5	1	49	4	4	16	13	12	7	30	21	8

Tof the 64,142 cases, 379 cases were excluded due to one of the following reasons: missing Criminal History Category (378) or missing or indeterminable sentencing information (1). Sentences of 470 months or greater (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2022 Datafile, USSCFY22.



According to the CDC, at 60 years of age, Mr. Armenta is 3.1 times more likely to be hospitalized, and at least 25 times as likely to die from a COVID-19 infection than someone 18-29 years old. In addition, Mr. Armenta suffers from

Mr. Armenta hasn't received treatment for his disease while in FCI Miami's custody.

As federal judges have recognized,

It is apparent that we should not be adding to the prison population during the COVID-19 pandemic if it can be avoided. Several recent court rulings have explained the health risks—to inmates, guards, and the community at large—created by large prison populations. Complications have already begun inside federal prisons—inmates and prison employees are starting to test positive for the virus, quarantines are being instituted, visits from outsiders have been suspended, and inmate movement is being restricted even more than usual. To avoid adding to the complications and creating unnecessary health risks, offenders who are on release and scheduled to surrender to the Bureau of Prisons in the coming months should, absent extraordinary circumstances, have their surrender dates extended until this public health crisis has passed.

United States v. Powell, No. 19-cr-00061, 2020 U.S. Dist. LEXIS 62077, \*1-\*2, 2020 WL 1540485 (N.D. Cal. Mar. 27, 2020) (Illston, J.); United States v. Huang, No. 19-cr-00110, 2020 U.S. Dist. LEXIS 58355, \*1-\*2, 2020 WL 1540483 (N.D. Cal. Mar. 27, 2020) (Illston, J.); United States v. Garlock, No. 18-cr-00418, 2020 U.S. Dist. LEXIS 53747, \*1-\*2, 2020 WL 1439980 (N.D. Cal. Mar. 25, 2020) (Chhabria, J.).

On November 1, 2023, new amendments to the U.S. Sentencing Guidelines regarding compassionate release went into effect. In addition to the medical condition of an inmate, the fact that an institution may not be able to protect an inmate from an infectious disease may constitute an extraordinary and compelling reason for release. See USSG §1B1.13(b)(1)(D).



Accordingly, we urge you to please review this matter and move Judge Ramos of the U.S. District Court for the Southern District of New York for Mr. Armenta's compassionate release as soon as possible.

If any further information is required, please do not hesitate to contact me. I look forward to hearing from your office in the near future.

Sincerely,

Audrey Smith, Esq.